

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

May 28, 2008

MOTOR CARRIER MATTER

☐

DOCKET NO.

2007-440-E

UTILITIES MATTER

☒

ORDER NO.

SUBJECT:

DOCKET NO. 2007-440-E – Application of Duke Energy Carolinas, LLC for Approval of Decision to Incur Nuclear Generation Pre-Construction Costs for the Lee Nuclear Station in Cherokee County – Discuss with the Commission Duke Energy Carolinas, LLC’s Application to Incur Nuclear Generation Pre-Construction Costs through December 31, 2009 along with Pending Motions

COMMISSION ACTION:

Move that this Commission find that Duke Energy Carolinas’ decision to incur Lee Nuclear Station pre-construction development costs as described in its application, testimony, and exhibits is reasonable and prudent, and that Duke be authorized to incur the South Carolina allocable share of the Lee Nuclear Station project development costs of up to \$230 million through December 31, 2009 as described in the Company’s application, testimony, and exhibits. I believe that this action must be taken in order to preserve nuclear generation as an option for this Company for the 2018 timeframe. Further, I would move that we hold that, for ratemaking purposes, the issuance of our Order in this matter will not constitute approval of the reasonableness or prudence of specific project development activities or recoverability of specific items of cost, and the approval and grant is without prejudice to the right of any party to take issue with the treatment of specific project development costs when the Company seeks recovery of its preconstruction costs. Also, move that this Commission overrule the continuing objections made by the Friends of the Earth during the hearing. I would note that both objections are related to cost information deemed confidential by this Commission. Friends of the Earth had the opportunity to receive the information under a confidentiality agreement, but refused to do so. Therefore, any objections by Friends of the Earth regarding lack of access to the information are unfounded. I also move that we grant the Request of Westinghouse Electric Company, LLC and Stone & Webster, Inc to amend their Motion for a Protective Order to include the additional materials described in the Request. I would note that the actual Westinghouse/ Stone & Webster Motion for Protective Order was being held in abeyance, pursuant to Order No. 2008-327. As noted in that Order, such documents would be subject to the same confidentiality concerns as previously addressed by this Commission, therefore I move that we grant the amended motion for protective order and deny the Friends of the Earth’s motion to compel.

	MOTION	YES	NO	OTHER
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)



RECORDED BY: J. Schmieding